

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CATHY COLBERT-GRIFFITH and
TAYLOR EURE,

Plaintiffs,

v.

MELTON TRUCK LINES, INC. and
CHRISTOPHER WELCH,

Defendants.

CAFN: _____

DEFENDANT'S NOTICE OF REMOVAL

COMES NOW, Melton Truck Lines, Inc., named Defendant in the above-styled action, and file this Notice of Removal, respectfully showing this Court the following facts:

1.

Plaintiffs Cathy Colbert-Griffith and Taylor Eure (hereinafter "Plaintiffs") filed suit against these Defendants in the State Court of DeKalb County, State of Georgia. This suit is styled as above and numbered Civil Action File No. 20A82380 (*See generally* Plaintiffs' Complaint).

2.

The Complaint filed in this matter articulates claims with amounts in controversy in excess of \$75,000.00. Specifically, Plaintiffs have demanded \$365,000 in full and final settlement of their claims. (*See Exhibit “A” attached*).

3.

This Notice of Removal is filed within 30 days of this Defendant’s notice of the Complaint pursuant to the requirements of 28 U.S.C. § 1446(b)(1).

4.

According to the Complaint, Plaintiffs appear to be domiciled in and residents of the State of Georgia. (Plaintiffs’ Complaint at ¶ 1).

5.

Defendant Christopher Welch is a resident of Florida.

6.

Defendant Melton Truck Lines, Inc. is a foreign corporation with its principal place of business located in Oklahoma.

7.

Therefore, complete diversity exists between Plaintiffs and Defendants. 28 U.S.C. § 1332(a)(1); *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998).

8.

Defendants Melton Truck Lines, Inc. and Christopher Welch are the only defendants and consent to this removal.

9.

Thus, as shown above, the aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code § 1332 and, accordingly, is one which may be removed to this Court by Defendant/Petitioner pursuant to the provisions of Title 28 of the United States Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.

10.

This Defendant has attached hereto a copy of the Complaint and Summons, Rule 5.2 Certificate of Service, First Interrogatories, First Request for Production of Documents, First Requests for Admission, and Affidavits of Service, which are the only processes, pleadings and/or orders served upon it in this case, such copies being marked Exhibit “B.” In addition, this Defendant answered the lawsuit and filed its Jury Demand in the state court action referenced above, copies of which are attached hereto as Exhibit “C.”

WHEREFORE, this Defendant prays that the case be removed to the United

States District Court for the Northern District of Georgia, Atlanta Division.

This 26th day of October 2020.

Respectfully submitted,
SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Elizabeth L. Bentley

By: _____

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